



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

C.M.P. (MD) No.9026 & 9027 of 2019

in

C.M.A. (MD) No.616 & 166 of 2018

1 GEETHA

2 MINOR D. GOKUL,

3 MINOR D. RAGUL

... PETITIONERS/RESPONDENTS 1 TO 3
IN BOTH PETITIONS

Vs

1 THE MANAGING DIRECTOR

M/S. TAMIL NADU STATE TRANSPORT CORPORATION LIMITED,
PERIYAMILAGUPARAI, TRICHY- 1. ... 1st RESPONDENT/APELLANT

2 M/S. DEEPATHI HOSPITAL

31A, MOHANUR ROAD,
NAMAKKAL-637 001.

3 M/S. BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.,
K.M.A. COMPLEX, 1ST FLOOR, 12G, RAM NAGAR,
BYE PASS ROAD,
MADURAI- 10.

... RESPONDENTS 2 & 3/RESPONDENTS 4 & 5
IN CMP (MD) No.9026 of 2019 in
CMA (MD) No.616 of 2018

1 M/S. BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.,
K.M.A. COMPLEX, 1ST FLOOR, 12G, RAM NAGAR,
BYE PASS ROAD, MADURAI- 10.

... 1st RESPONDENT/APELLANT

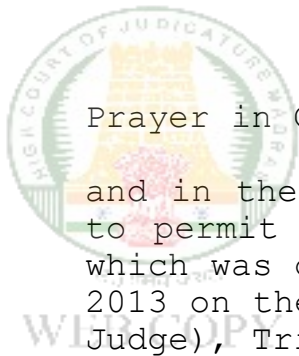
2.M/S. DEEPATHI HOSPITAL

31A, MOHANUR ROAD, NAMAKKAL-637 001.

3 THE MANAGING DIRECTOR

M/S. TAMIL NADU STATE TRANSPORT CORPORATION LIMITED,
PERIYAMILAGUPARAI, TRICHY- 1.

... RESPONDENTS 2 & 3/RESPONDENTS 4 & 5
IN CMP (MD) No.9027 of 2019 in
CMA (MD) No.166 of 2018



Prayer in CMP(MD). 9026/ 2019 in CMA(MD)No.616 of 2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw the deposited award amount which was deposited by the Respondent/ Appellant in MCOP NO. 1326 / 2013 on the file of Motor Accident Claims Tribunal (Special District Judge), Trichy and render justice.

Prayer in CMP(MD). 9027/ 2019 in CMA(MD)No.166 of 2018 :

To permit the petitioner to withdraw the deposited award amount which was deposited by the Respondent/ Appellant in MCOP No. 1326/2013 on the file of MACT (Special District Judge) Trichy and render justice.

Prayer in CMA(MD). 616/ 2018 :

To set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli in MCOP.No.1326 of 2013 dated 09.10.2017.

Prayer in CMA(MD). 166/ 2018 :

To set aside the judgment and decree of the Claims Tribunal in MCOP.No.1326 of 2013 dated 09.10.2017 on the file of the Motor Accident Claims Tribunal, Special District Court (MCOP), Tiruchirappalli and allow the appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.BOOPAL, Advocate for the petitioner in CMP(MD)No.9026 of 2019 in CMA(MD)No.616 of 2018 and of M/S.K.BENJAMIN, Advocate for the petitioner in CMP(MD)No.9027 of 2019 in CMA(MD)No.166 of 2018 and of MR.J.S.MURALI, Advocate for R1 in CMP(MD)No.9027 of 2019 in CMA(MD)No.166 of 2018 and of R3 in CMP(MD)No.9026 of 2019 in CMA(MD)No.616 of 2018, the court made the following order:-

The learned counsel for the petitioners / claimants and the learned counsel for the first respondent / appellant are present.

2. On the side of the petitioners / claimants, it is stated that the petitioners being the wife and children of the deceased/ Durairaj, were suffering due to the loss of their only bread winner in the family and hence, the petitioners / claimants may be permitted to withdraw the amount deposited by the first respondent / appellant.

3. On the side of the first respondent in C.M.P.(MD) No.1927/2019, it is stated that there was a collusion between two vehicles and the deceased got injury in that accident and the liability was apportioned and the appeal is questioning the liability_and hence objected the withdrawal of the amount.



4. On the side of the first respondent in CMP(MD)No.1926 of 2019, it is stated that since the liability is questioned, the petitioner should not be permitted to withdraw of the amount.

5. It is seen that the deceased was a bus Conductor in Tamilnadu State Transport Corporation and the bus dashed against the lorry, when he was injured and was taken to hospital in the Ambulance, the Ambulance dashed in a Tamarind tree and met with an accident. It is seen that there are two accidents involving three vehicles, the Tribunal apportioned the liability 50% to the Insurance Company of the lorry and 50% to the Transport Corporation. The award amount has already been deposited before the Tribunal. Since the legal heirs of the deceased were suffering, this Court is of the view that the petitioners / major claimants are permitted to withdraw 20% of the award amount with proportionate interest as per the apportionment made by the Tribunal.

6. With the above directions, these Civil Miscellaneous Petitions are allowed.

sd/-
18/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TRICHY.

+1 CC to M/s.D.BOOPAL, Advocate (SR-3381[I] dated 18/02/2020)
+1. C.C. to M/S.K.BENJAMIN, Advocate SR.No.3382

ORDER
IN
C.M.P.(MD) No.9026 & 9027 of 2019
in
C.M.A.(MD)No.616 & 166 of 2018
Date :18/02/2020

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AE/JC/SAR-IV (02.03.2020) 3P 4C